

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE: HOLOCAUST VICTIM
ASSETS LITIGATION

Case No. CV-96-4849
(ERK)(MDG) (Consolidated
with CV-99-5161 and
CV-97-461)

process to which the Constit

Nevertheless, DRA lodged a “conditional objection” to the notice plan on October 21, 1999 claiming that there wa

directly to target disability organizations, nevertheless, (i) given the imminence of the opt-out deadline, it was too late to amend the notice plan

. . . I would think it

disabled person, as one would by targeting today's mentally or physically disabled populations, organizations, or in publications written for them.)

Report of Todd B. Hilsee on Analysis of Overall Effectiveness of Notice Plan (Nov. 4, 1999) ¶ 17(e).

Moreover, DRA has submitted no evidence in this case that the notice plan as implemented fa

told Mr. Wolinsk

As the Court is aware, DRA's initial withdrawal of objections to

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released in this action, and they would not be precluded *in that separate action* from collaterally attacking the preclusive effect of the settlement by arguing the fundamental jurisdictional point that the lack of notice here prevents the enforcement of the releases. After all, releases are only enforceable to the extent of notice provided to class members. See National Super Spuds v. N.Y. Mercantile Exchange, 660 F _____

victim groups within t

of their target group—does not “represent an increasing deviation from the stated purpose of the Looted Assets Class.” DRA Motion, at 4.

Moving beyond the “stated purpose of the Looted Assets Class,” to a Due Process and fundamental fairness claim, DRA writes: “It is fundamentally

slaughtered in the Holocaust—not be distributed to disability rights organizations with no connection to Nazi survivors, there will be nothing “fundamentally unfair” a

Next I turn to DRA's claim that

Special Master

that only those “Victims or Targets of Nazi Persecution” who were looted, and whose stolen property actually or allegedly was sent to or through Switzerland or Swiss entities, are entitled to participate in this Settlement.

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answer that I find most appealing is that the repetition serves as a reminder that, even in the pursuit
of _____